

Message Text

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62

ORIGIN EB-11

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R 031737Z JUN 74

FM SECSTATE WASHDC

TO AMEMBASSY BONN

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E.O. 11652: N/A

TAGS: ETRN, GW

SUBJECT: CIVAIR: FRG CHARTER REGULATIONS

1. US SUPPLEMENTALS ARE CONCERNED ABOUT FRG RULE ON SUBSTITUTIONS AND ADDITIONS FOR AFFINITY CHARTER FLIGHTS AS SET FORTH IN MINTRANSPORT LETTER OF APRIL 6 (FORWARDED UNDER EMBASSY'S TRANSMITTAL SLIP OF MAY 13.)

2. WORDING OF PARA 2 OF LETTER COULD BE TAKEN TO MEAN THAT, UNLESS CARRIER SHOWS 15 PERCENT OVERBOOKING ON LIST PROVIDED 30 DAYS IN ADVANCE OF FLIGHT, CARRIER MAY SUBSEQUENTLY MAKE SUBSTITUTIONS ONLY ON EXCEPTIONAL BASIS. THUS A CARRIER WHICH MIGHT CONSCIENTIOUSLY PRELIST ONLY 100 PERCENT OF CAPACITY COULD NOT LATER MAKE SUBSTITUTIONS FOR PASSENGERS WHO INEVITABLY DROP OUT, WITHOUT OBTAINING EXCEPTIONAL AUTHORIZATION.

3. WE CHOOSE BELIEVE, HOWEVER, THAT FMT INTENTION IS TO PERMIT CARRIERS TO MAKE SUBSTITUTIONS UP TO FLIGHT TIME AND UP TO A LIMIT OF 15 PERCENT OF CONTRACTED CAPACITY, WITH SUBSTITUTIONS OVER THIS LIMIT SUBJECT TO EXCEPTIONAL
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AUTHORIZATION.

4. EMBASSY REQUESTED DISCUSS APRIL 6 LETTER WITH APPROPRIATE FMT OFFICIALS AND, WITHOUT ACCEPTING 15 PERCENT FIGURE AS HAVING INNATE VALIDITY, ATTEMPT SECURE CONFIRM-

ATION THAT INTERPRETATION PARA 3 ABOVE IS CORRECT.

5. ALTHOUGH WE DO NOT WISH TO MEET ISSUE HEAD-ON AT MOMENT, EMBASSY MAY WISH TO POINT OUT TO FRG OFFICIALS THAT MEMORANDUM OF UNDERSTANDING OF 1973, AS AMENDED BY EXCHANGE OF NOTES OF MARCH 12 (NEW SECTION IV A.), PROVIDES THAT AFFINITY FLIGHT PASSENGER LISTS WILL BE PROVIDED 30 DAYS IN ADVANCE "SUBJECT TO SUBSTITUTION AND ADDITION UNTIL FLIGHT DEPARTURES OF A REASONABLE NUMBER OF OTHER UNLISTED BU BONA FIDE GROUP MEMBERS UNDER CONSISTIONS TO BE AGREED." IT APPEARS, HOWEVER, THAT FRG HAS STIPULATED SUCH CONDITIONS ABSENT CONSULTATION WITH, OR, TO DATE, NOTIFICATION TO, USG OFFICIALS. KISSINGER

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